do maximio

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August 15, 2011

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 51 – July 2011 Lower Passaic River Study Area (LPRSA) Remedial Investigation/ Feasibility Study (RI/FS) CERCLA Docket No. 02-2007-2009

Dear Ms. Vaughn and Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On July 12, EPA, CPG, and EPA and CPG contractors held a conference call to discuss planning and coordination for the initial Small Volume Chemical Water Column Monitoring (SV CWCM) event.
- On July 15, an EPA/CPG modeling subgroup meeting was held.
- On July 20, EPA and CPG held a conference call to discuss revisions to the Low Resolution Coring (LRC) Report.

Correspondence

- On July 1, EPA approved the Caged Bivalve Study (CBS) tissue analysis plan.
- On July 8, CPG notified the EPA that they have no questions regarding the EPA's comments on the Bathymetry Survey sections of the River Mile (RM) 10.9 Characterization QAPP and they are preparing a response to comment

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> document that will agree with EPA's comments. Additionally, the CPG notified EPA that they will provide a revised QAPP on July 11.

- On July 8, CPG provided a response to comments on the Bathymetry Survey sections of the RM 10.9 Characterization QAPP.
- On July 8, CPG provided draft language for insertion into the revised LRC Report.
- On July 8, EPA's modeling contractor (HydroQual) informed CPG's modeling team that it agreed with CPG's proposed Organic Carbon Model simplification approach.
- On July 11, EPA notified the CPG that the responses to comments on the Bathymetry Survey sections of the RM 10.9 Characterization QAPP were acceptable.
- On July 11, CPG provided revised Bathymetry Survey sections for the RM 10.9 Characterization QAPP to the EPA.
- On July 11, EPA provided comments to the CPG and disapproval of the revised Risk Analysis and Risk Characterization (RARC) Plan.
- On July 12, CPG submitted revised Bathymetry Survey sections of the RM 10.9 Characterization QAPP to EPA.
- On July 12, CPG and EPA exchanged emails regarding the LRC data packages. from Columbia Analytical Services (CAS).
- On July 13, EPA provided comments and conditional approval on the Bathymetry Survey sections of the revised RM 10.9 Characterization QAPP to CPG.
- On July 13, EPA provided comments to the CPG on the draft language for the LRC Report submitted by the CPG to the EPA on July 8.
- On July 13, CPG submitted to EPA the LRC split data results adjusted for laboratory significant figures.
- On July 13, CPG submitted the revised SV CWCM QAPP to EPA.
- On July 13, CPG provided data to EPA regarding split tissue sample mass from the CBS mussels.
- On July 13, CPG submitted the revised summer/fall 2010 Avian Survey Report to EPA.
- On July 14, CPG submitted the Monthly Progress Report to EPA.
- On July 14, CPG submitted responses to EPA comments and revised Bathymetry Survey sections of the RM 10.9 Characterization QAPP to EPA.
- On July 15, EPA approved the revised RM 10.9 Characterization QAPP (Bathymetry Survey sections only).
- On July 18, CPG provided EPA notification of activities conducted for the RM 10.9 Characterization Bathymetry Survey.
- On July 19, EPA provided comments on the RM 10.9 Characterization QAPP.



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- On July 20, EPA approved the revised 2010 Fish Community Survey and Tissue Collection Data Report.
- On July 21, EPA submitted a Technical Memorandum on revised fish and crab ingestion rates for the LPRSA Risk Assessment to CPG.
- On July 21, CPG requested a revised submission date for the Bioaccumulation Tissue, Fish and Crab Tissue Chemistry, and Sediment Chemistry data reports to September 3, 2011. Additionally, CPG requested confirmation that the EPA agreed to the CPG submitting the Threshold Risk Value (TRV) Deliverable with the revised RARC Plan on August 9, 2011.
- On July 22, CPG uploaded the final 2010 Fish Community Survey Data Report to EPA's SharePoint site.
- On July 25, CPG submitted a Notice of Dispute Resolution to the EPA regarding the RARC Plan disapproval and the Technical Memorandum on the fish and crab ingestion rates for the LPR.
- On July 26, CPG uploaded the revised LRC Report to EPA's SharePoint site.
- On July 27, EPA provided CPG comments on the spring/summer 2010 Benthic Community Survey Report.
- On July 28, EPA confirmed that the submission date for the three data reports listed in the July 21 email was acceptable.
- On July 29, EPA provided comments on the SV CWCM QAPP to the CPG.
- On July 29, CPG uploaded a revised RM 10.9 Characterization QAPP to EPA's SharePoint site.

Work

- CPG completed revisions to the LRC Report and re-submitted the document to EPA.
- CPG responded to EPA comments on the SV CWCM QAPP and re-submitted a revised document to EPA.
- CPG responded to EPA comments on the RM 10.9 Characterization QAPP and re-submitted a revised document to EPA.
- CPG completed the Bathymetry Survey sections of the RM 10.9 Characterization QAPP and submitted it to EPA.
- CPG responded to EPA comments on the Bathymetry Survey sections of the RM 10.9 Characterization QAPP and re-submitted it to EPA.
- CPG began drafting the Hydrodynamic Survey sections of the RM 10.9 Characterization QAPP.
- CPG began compositing mussels used in the CBS for sample analysis.
- CPG conducted the RM 10.9 Characterization Bathymetry Survey July 15 through July 19.



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- CPG continued planning activities for the High Volume CWCM QAPP Addendum.
- CPG began drafting a Supplemental Sediment Sampling Plan (SSP) QAPP.
- CPG continued reviewing and responding to EPA's comments on the RARC Plan and associated planning documents (Background/Reference Site and TRV documents).
- CPG completed responses to EPA comments on the summer/fall 2010 Avian Survey Report and re-submitted to document to EPA.
- CPG Modeling Team continued analysis of the Physical Water Column Monitoring (PWCM) data to support Sediment Transport Model development and calibration.
- CPG Modeling Team continued work on the HQI ECOM-SEDZLJS Sediment Transport Model code including calibration for low-flow conditions utilizing CPG input files.
- CPG Modeling Team continued work on the Chemical Fate & Transport Model (RCATOX) code and inputs.
- CPG continued drafting of the summer/fall 2009 Fish/Decapod Tissue Data Report.
- CPG continued drafting of the fall 2009 Benthic Sediment and 2010 Co-located Sediment Chemistry Data Report.
- CPG continued drafting of the fall 2009 Benthic Bioaccumulation Tissue Data Report.
- CPG continued drafting the fall 2009 Benthic Survey toxicity data report.
- CPG continued drafting the winter/spring 2011 Avian Survey Report.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.
- CPG continued development of a FS cost estimating framework.

(b) Results of Sampling and Tests

None.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG will continue drafting the 2009 summer and fall Fish/Decapod Tissue Data Report.



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- CPG will continue drafting the fall 2009 Benthic Sediment and 2010 Co-located Sediment Chemistry Data Report.
- CPG will continue drafting the fall 2009 Benthic Bioaccumulation Tissue Data
- CPG will continue drafting the 2010 Small Foraging Fish Tissue Chemistry Data Report.
- CPG will continue responding to EPA comments on the spring 2010 Benthic Community Survey field report.
- CPG will continue drafting the 2011 Avian Survey Report.
- CPG will begin drafting the RM 10.9 Bathymetry Survey report.
- CPG will continue to revise the risk assessment planning documents (RARC. Background/Reference Site, Ecological Life History Profiles, Data Usability and Toxicity Reference Value documents) in response to EPA comments.
- CPG will initiate chemical analysis of CBS tissue composite samples.
- CPG will respond to additional EPA comments, revise the SV CWCM QAPP and will conduct the first SV CWCM monitoring event upon approval of the QAPP.
- CPG will continue planning activities for the High Volume CWCM QAPP Addendum.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code, inputs, and low to medium flow calibration and continue work with the RCATOX code and inputs.
- CPG will continue to revise the RM 10.9 Characterization QAPP and initiate the RM 10.9 Characterization field activities upon approval of the QAPP.
- CPG will continue to develop the SSP QAPP.
- CPG will continue to develop the RM 10.9 Hydrodynamic Study QAPP.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

Based upon discussions with EPA, the CPG understands that the calibration of the HQI sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were and continue to be made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their

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calibration. As such, the CPG is continuing to work on both its high flow calibration and its long-term daily calibration. The EPA and CPG collaboration meetings were conducted in April and May and July; these meetings are providing an opportunity for both modeling teams to understand difference between each team's approaches. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.

- The CPG received the EPA comments on its April 15, 2011 response to comments on the EPA's November 4, 2010 comments on the draft SV CWCM QAPP. The CPG revised the QAPP and re-submitted the documents on July 12. An additional set of EPA comments were received on July 29. Assuming EPA approval, the CPG anticipates initiating the program during the week of August 15. The delays associated with both the SV CWCM and CSO (see below) Programs have extended the completion of the RI/FS to January 2015.
- The CPG understands that the EPA has approved Tierra's CSO/SWO Workplan in May 2011. It is CPG's understanding that the execution of the AOC between EPA and Tierra has not been completed. It is also the CPG's understanding that the Method Detection Studies and other work must be completed prior to the start of the Phase 1 work. The extent of the RI/FS schedule impacts is dependent on the completion of these items.
- In the CPG's November 19, 2010 response to EPA's November 5, 2010 risk assessment planning directive letter, the CPG agreed to revise the risk assessment planning documents consistent with EPA's September 10, 2010 comments. Resolution of responses to EPA's comments is required prior to the CPG's revision of the risk planning documents. The revised risk assessment planning documents were submitted to EPA on February 10 and EPA provided comments on July 11, 2011 which disapproved the revised risk assessment planning documents and required submission within 30 days. Additionally, EPA provided a technical memo on July 25, 2011 on fish and crab consumption rates for the LPRSA Human Health Risk Assessment. The CPG filed a notice of dispute resolution in accordance with Section XV of the AOC on July 25, 2011 in response to EPA's July 11, 2011 directive letter and July 25, 2011 technical memorandum.
- The CPG submitted a June 6, 2011 letter discussing its concerns with the MPI Split Data; EPA indicated during the June 30 EPA-CPG meeting that it was directing the CPG to apply the PCDD/PCDF adjustment factors to prior to completely reviewing and addressing CPG's concerns. EPA stated that it would

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continue to study the issues raised by the CPG and would produce a report in approximately three months. On July 20, 2011, the EPA directed the CPG to submit the revised LRC report as soon as possible. The CPG re-submitted the revised LRC report on July 26 with the adjusted PCDD/PCDF results. The CPG prepared a cover letter noting its objections for the Administrative Record which included: (1) the application of the PCDD/PCDF adjustment factors; (2) the requirement to remove analysis and interpretative text; and, (3) discussions related to the presence of pathogens in the sediment.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.

Willard F. Potter

Project Coordinator

Willard F. Potter/cfc

cc: Pat Hick, EPA Office of Regional Counsel William Hyatt, CPG Coordinating Counsel Lisa Baron, USACE
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